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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BIBBEE, JARED M

ART UNIT

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2169

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,121	Applicant(s) LEVERING ET AL.	
	Examiner Jared M. Bibbee	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-9 are hard to read. For instance, in figure 3 the step 310 is difficult to read. Another for instance, in figure 5A and 5B the highlighted text when scanned into the United States Patent and Trademark Office (USPTO) file wrapper the text became hard to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regards to claims 1, 18, and 35 it is clear that the claim language simply represents an abstract idea where storing the indication of a source location within an electronic file storage, but fails to provide a useful, concrete, and tangible purpose or result. Applicant is reminded that patent protection is limited to inventions that possess a certain level of “real world” value, as opposed to subject matter that represents nothing more than an idea or concept (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966)); *In re Fisher*, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); *In re Ziegler*, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

Since the claims presented by the applicant are indeed simply abstract ideas, the claims are not covered by the statutory categories of patentable subject matter set forth in 35 U.S.C.

101. An abstract idea is categorized as one of the three judicially created exceptions to patentable subject matter (the three exceptions are Laws of Nature, Natural Phenomena, and Abstract Ideas). The courts have concluded that in order to patent on of the three judicial exceptions to the statutory categories of the invention the claimed subject matter must have a practical, real-world application that produces a useful, concrete, and tangible result (*State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02).

In order to overcome this rejection, the applicant must add a final limitation to independent claims 1, 18, and 35 showing step of actually presenting the indication of the source location to a user in the form of a view. This final step is shown in Fig. 5A and 5B, 501 of the drawings included with the applicant's specification. Also note that claims 16, 33, and 50 if added to claim 1, 18, and 35 respectively would overcome the 35 U.S.C. 101 rejection, because the output data structure is being displayed to the user via a GUI. By adding this conclusionary step, the applicant will add to the claimed invention a useful, concrete, and tangible result that arises from a practical application of the method steps previously mentioned in the claim.

Claims 2-15, 19-32, and 36-49 are rejected because they contain the deficiencies of claims 1, 18, and 35 respectively.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7, 24, and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the characteristic" on page 22, line 28. There is insufficient antecedent basis for this limitation in the claim. If claim is followed back to the independent claim, there is no mention of "the characteristic". "The characteristic" is claimed in claim 2 on page 22, line 11, but claim 7 does not depend from claim 2 and therefore lacks antecedent basis.

Claim 24 recites the limitation "the characteristic" on page 24, line 32. There is insufficient antecedent basis for this limitation in the claim. If claim is followed back to the independent claim, there is no mention of "the characteristic". "The characteristic" is claimed in claim 19 on page 24, line 15, but claim 24 does not depend from claim 19 and therefore lacks antecedent basis.

Claim 41 recites the limitation "the characteristic" on page 27, line 1. There is insufficient antecedent basis for this limitation in the claim. If claim is followed back to the independent claim, there is no mention of "the characteristic". "The characteristic" is claimed in claim 36 on page 26, line 18, but claim 41 does not depend from claim 36 and therefore lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Guest et al (U.S. 7,020,667 B2).

As to claim 1, Guest clearly teaches a computer-implemented method of recording an indication of a source location at which a data element is stored, the method comprising acts of: (A) executing a set of programmed instructions to identify the source location (220, Fig. 2), the source location (220) comprising a portion of a data structure (330, Fig. 3) containing source information (320, Fig. 3) *(see column 3, lines 57-60 and column 4, lines 30-32 and 56-59; Note that the initialization stage 305 allows the user to select the source web page (source location) using a GUI interface. Also note that according to lines 45-59, the source web page contains a HTML source file that is downloaded by the system and placed into a data array (data structure).)*, the portion containing the data element *(see column 4, lines 45-55; According to Guest the HTML web page contains a URL that specifies the location of the source file. Guest also discloses in column 4, lines 58-59, that the HTML web page is tokenized and placed in a data array. Since the web page contains a URL and the web page is placed in a data array, it is sufficient enough to say that the data array contains the URL (data element))*; and (B) storing an indication of the source location (220) in electronic file storage (370, Fig. 3) *(see column 4, lines 35-38)*.

As to claim 2, Guest clearly teaches the limitation of act (A) further comprises executing a software application to identify the source location (220) *(see column 3, lines 57-60 and column 4, lines 27-44; Note that Guest discloses the use of a software application, which supplies a GUI (315, Fig. 3) for the user to select the source web page (source location).)*, wherein the software application employs a parameter defining a characteristic of the data element *(see column 4, lines 53-55; Note that saving the address within*

the URL (data element) as a "Favorite", defines the URL as a important to the user. The category of "Favorite" is now a characteristic of the URL. The "favorites" category is interpreted as a characteristic because it accomplishes the same result as a characteristic. By definition a characteristic is a way to distinguish something from something else. By setting the URL to a "favorite", the user is distinguishing the URL from the other URLs.).

As to claim 3, Guest clearly teaches the limitation of the parameter is provided in a data structure which is accessed by the software application (see column 4, lines 56-63; Note that Guest clearly discloses that the URL (data element) is associated with the source file (see column 4, lines 50-53). Then note that Guest clearly discloses that the source file is then parsed into a data array (data structure). Finally, note that Guest discloses that the data array (data structure) is accessed and presented to the user using the refined user input GUI (340, Fig. 3).).

As to claim 4, Guest clearly teaches the limitation of the characteristic comprises text which accompanies the data element within the source location (220) (see column 4, lines 53-55; Note that the URL can be saved as a field and it is inherent that a field in a GUI is synopsis with a box for entering text. It is therefore acknowledged that the text entered to indicate that the URL is a favorite will be parsed into the data array. The "favorites" category is interpreted as a characteristic because it accomplishes the same result as a characteristic. By definition a characteristic is a way to distinguish something from something else. By setting the URL to a "favorite", the user is distinguishing the URL from the other URLs.).

As to claim 5, Guest clearly teaches the limitation of the characteristic comprises text which represents the data element (see column 4, lines 53-55; Note that the URL can be saved as a field and it is inherent that a field in a GUI is synopsis with a box for entering text. Also note that the field in the GUI supplies a user a way of representing the URL as a favorite. The "favorites" category is interpreted as a characteristic because it accomplishes the same result as a characteristic. By definition a characteristic is a way to distinguish

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something from something else. By setting the URL to a "favorite", the user is distinguishing the URL from the other URLs.).

As to claim 6, Guest clearly teaches the limitation of the set of programmed instructions identifies the source location by preliminarily identifying the source location (*see column 4, lines 17-26; Note that the system first accesses an internet portal (Yahoo!) as a preliminary source for information.*), requesting input from a user as to whether the source location is preliminarily identified correctly (*see column 4, lines 21-44; Note that once the portal is accessed the user is able to select other sub-sites through a GUI. By allowing the user to select the sub-sites, this makes sure that the correct path to the source file is identified correctly.*), and processing the input to identify the source location (*see column 4, lines 45-63; Note that the URL is selected by the user and then the source file is determined and downloaded and then parsed (processed) into a data array.*).

As to claim 7, Guest clearly teaches the limitation of the act of processing the input further comprises updating the characteristic (*see column 4, lines 53-55; Note that the user is given the option to add the URL to a category of "favorites" that serves as a characteristic for the URL. The "favorites" category is interpreted as a characteristic because it accomplishes the same result as a characteristic. By definition a characteristic is a way to distinguish something from something else. By setting the URL to a "favorite", the user is distinguishing the URL from the other URLs.*).

As to claim 8, Guest clearly teaches the limitation of the data structure comprises a plurality of characters including a first character (*see column 4, lines 56-59; Note that the source file is processed and placed into a data array. A data array according to the Microsoft Computer Dictionary 5th edition, is a list of data values. It is inherent that in a list of values there is a first value within a plurality of values.*), and the source location is identified by a number of characters from the first character (*see column 4, lines*

56-59; Note that the source file is processed and placed into a data array. During the processing, the source file is parsed. According to the Microsoft Computer Dictionary 5th edition, parsing is the process of breaking input into smaller chunks of data. By parsing the source file, the source file is being broken into smaller sections of data and being placed into different sections of the array.).

The Examiner is confident that Guest discloses, or at the very least suggests, all of the elements of Applicant's claimed invention, as noted in claim 8 above. The Examiner is also confident that the parsing and storing of the source file within a data array disclosed in Guest in fact supports what Applicant claims as the source location is identified by a number of characters from the first character.

As to claim 9, Guest clearly teaches the limitation of the first character is at the beginning of the data structure *(see column 4, lines 56-59; Note that the source file is processed and placed into a data array. A data array according to the Microsoft Computer Dictionary 5th edition, is a list of data values. It is inherent that in a list of values there is a first value at the beginning of the array.).*

As to claim 10, Guest clearly teaches the limitation of the data structure comprises a plurality of lines of information including a first line of information *(see column 4, lines 56-59; Note that the source file is processed and placed into a data array. A data array according to the Microsoft Computer Dictionary 5th edition, is a list of data values. It is inherent that in a list of values there is a first value within a plurality of values.),* and the source location is identified by a number of lines from the first line of information *(see column 4, lines 56-59; Note that the source file is processed and placed into a data array. During the processing, the source file is parsed. According to the Microsoft Computer Dictionary 5th edition, parsing is the process of breaking input into smaller chunks of data. By parsing the source file, the source file is being broken into smaller sections of data and being placed into different sections of the array.).*

The Examiner is confident that Guest discloses, or at the very least suggests, all of the elements of Applicant's claimed invention, as noted in claim 8 above. The Examiner is also confident that the parsing and storing of the source file within a data array disclosed in Guest in fact supports what Applicant claims as the source location is identified by a number of characters from the first character.

As to claim 11, Guest clearly teaches the limitation of the first line of information is at the beginning of the data structure (*see column 4, lines 56-59; Note that the source file is processed and placed into a data array. A data array according to the Microsoft Computer Dictionary 5th edition, is a list of data values. It is inherent that in a list of values there is a first value at the beginning of the array.*).

As to claim 12, Guest clearly teaches the limitation of the data structure comprises a plurality of pixels arranged in a grid containing rows and columns (*see column 3, lines 10-12 and column 4, lines 56-67; Note that the web page is parsed into the data array (data structure) and presented to the user through the refined user input GUI. It is inherent that the GUI is being displayed to the user through computer screen and it is also inherent that the computer screen is made of rows and columns of pixels.*), and the source location is identified by a pixel found at an intersection of a row and a column (*Note that since the data array is presented to the user through a GUI and the GUI is presented through a computer screen composed of rows and columns of pixels that it is inherent that the source location presented as a drop down would be at some intersection of a row and column of pixels.*).

As to claim 13, Guest clearly teaches the limitation of the method of claim 1, further comprising acts of: (C) receiving a request to retrieve the data element (*see column 4, lines 44-48; Note that the user opens the systems which triggers the system to display the GUI to retrieve the URL (data element).*); (D) in response to the request, identifying the indication of the source location (*see*

column 4, lines 47-48; Note that the user in response to the GUI request for the URL, the user specifies the URL for a HTML page which contains data to be stored in a database.); (E) employing the indication of the source location to retrieve the data element from within the source information (see column 4, lines 44-48; Note that the system employs the user input GUI so that the user may specify the URL (data element) which points to the HTML page which contains the data to be stored in the target database.); and (F) writing the data element to output (see column 5, lines 17-29).

As to claim 14, Guest clearly teaches the limitation of the act (D) further comprises identifying the indication of the source location by retrieving the indication of the source location from the electronic file storage (*see column 5, lines 48-55*).

As to claim 15, Guest clearly teaches the limitation of the act (C) further comprises receiving the request from a user via a graphical user interface (GUI) (*see column 4, lines 44-48; Note that the user opens the systems which triggers the system to display the GUI to retrieve the URL (data element).*).

As to claim 16, Guest clearly teaches the limitation of the act (F) further comprises writing the data element to an output data structure which is displayed via a GUI to a user (*see column 4, lines 56-63*).

As to claim 17, Guest clearly teaches the limitation of the output data structure is provided in a hypertext markup language (HTML) format (*see column 4, lines 56-63; Note that the data structure is being presented to the user through a replicated web page. Web pages are presented in HTML format.*).

The examiner is interpreting the computer-readable medium, according to applicant's specification, as non-volatile recording medium, floppy disk, flash memory, or any other suitable tangible medium. Guest clearly teaches the computer-readable medium in column 3, lines 59-61.

As to claims 18-34, these claims are computer-readable medium claims corresponding to the method claims 1-17 respectively, and are rejected for the same reasons set forth in the rejection of claim 1-17 above.

As to claims 35-51, these claims are system claims corresponding to the method claims 1-17 respectively, and are rejected for the same reasons set forth in the rejection of claim 1-17 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Niazi et al (U.S. 2002/0013791 A1) is cited to teach a method of processing data files which are generated in accordance with different protocols.

Johnson (U.S. 2002/0010682 A1) is cited to teach an information archival and retrieval system for internet worked computers.

Ikeda et al (U.S. 2004/0064482 A1) is cited to teach a CAD information management system and CAD information management method.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared M. Bibbee whose telephone number is 571-270-1054. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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